

REMARKS

Claims 1-25 are pending in the application and stand rejected under 35 U.S.C. 103(a) based on the following:

(i) claims 1-11 stand rejected as being unpatentable over U.S. Patent No. 6,535,251 to Ribas-Corbera (“Ribas”) in view of U.S. Patent No. 6,529,552 to Tsai and further in view of U.S. Patent No. 6,100,940 to Dieterich;

(ii) Claims 12, 13, 15-20 and 22-25 stand rejected as being unpatentable over Ribas in view of Tsai and further in view of U.S. Patent No. 6,205,174 to Fert; and

(iii) Claims 14 and 21 stand rejected as being unpatentable over Ribas in view of Tsai and further in view of Fert and Dieterich.

The above claim rejections are respectfully traversed. At the very least, claims 1, 12 and 19 are patentable over the cited combinations of references because there is no teaching or suggestion of, e.g., a system or method for variable bit rate transmission of video data including a channel rate controller or method for, e.g., *dynamically smoothing a transmission rate to a maximum sustainable transmission rate*, as essentially claimed in claims 1, 12 and 19.

In the “Response to Amendment” section on Page 2 of the Office Action, Examiner contends that the above claim feature does not distinguish from Ribas and cites Col. 10, line 57 – Col. 11, line 15 of Ribas as teaching “*adjusting the speed of the bit rates in order to smooth the transmission rate.*” It is respectfully submitted that Examiner’s reliance on Ribas in this regard is not only misplaced, but misses the point and fails to address the specific claim language.

Indeed, on a fundamental level, the Examiner’s argument is premised on mere recitation

of keywords such as “smoothing” and “transmission rate”, etc., but the obviousness rejections glaringly fail to address the specific claim language *dynamically smoothing a transmission rate to a maximum sustainable transmission rate*. Even assuming that Ribas or the other cited references generally recite “smoothing”, the Examiner has not demonstrated, or even specifically asserted, that such references teach the claimed feature of *smoothing to a maximum sustainable transmission rate*. By failing to address this claim language, the obviousness rejections are fundamentally flawed and legally deficient on their face, and must be withdrawn.

In any event, Ribas does not specifically disclose (in Col. 10, line 57 – Col. 11, line 15) *adjusting the speed of the bit rates in order to smooth the transmission rate*, as contended in the Office Action. Ribas discloses in the cited section a process of setting a *Speed* parameter to adapt quantization. The *Speed* parameter denotes a convergence speed to a target bit rate based on quantization steps measured by numbers of GOPs (group of pictures), and the Speed parameter is based on an target average bit rate R_{AVG} and the maximum or peak bit rate R_{MAX} (see, e.g., Ribas Col. 5, line 54; Col. 6, line 3; Col 10, lines 23-28; and Claims 13 and 14). In fact, neither R_{AVG} nor R_{MAX} as taught by Ribas is the same, or related to, a maximum sustainable rate as claimed.

For at least the above reasons, Applicant respectfully submits that a *prima facie* case of obviousness has not been presented in the Final Office Action. Indeed, the Office Action fails to demonstrate how or where the claimed feature *dynamically smoothing a transmission rate to a maximum sustainable transmission rate*, for example, is disclosed or even suggested by any of the cited references, either alone or in any combination.

Accordingly, claims 1, 12 and 19 are patentable and non-obvious over the respective combinations of references, and all claims that depend from claims 1, 12 and 19 are patentable

over the cited combinations of references at least by virtue of their dependence from claims 1, 12 or 19. Accordingly, withdrawal of the 35 U.S.C. §103(a) rejections is respectfully requested.

Respectfully submitted,



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